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## APPEAL OF AN ADMINISTRATIVE DECISION ON A SITE PLAN

**CASE NUMBER:** SPC-2013-0214C

**ZAP COMMISSION DATE:** March 18, 2014

**PROJECT NAME:** Canyons at Rob Roy

**ADDRESS:** 800 N. Capital of Texas Highway southbound

**AGENT:** Hanrahan-Pritchard Engineering (Stephen Jamison P.E.)  
8333 Cross Park Drive Phone: (512) 459-4737  
Austin, TX 78703

**APPELLANT:** William Frank King Phone: (512) 567-7125  
24 Pascal Lane  
Austin, TX 78746

**OWNER:** Brandywine Acquisitions Partners, LP.  
Leon Shadowen, Vice President Phone: (804) 521-1823  
300 Arboretum Place, Suite 330  
Richmond, VA 23236

**CASE MANAGER:** Nikki Hoelter Phone: (512) 974-2863  
[Nikki.hoelter@austintexas.gov](mailto:Nikki.hoelter@austintexas.gov)

**APPLICABLE WATERSHED ORDINANCE:** Comprehensive Watershed Ordinance  
Bee Creek (Water Supply Rural)

**AREA:** 16.82 acres

**EXISTING ZONING:** PUD

**PROPOSED USE:** Administrative and Business Office

**LEGAL DESCRIPTION:** Lot 1, Block A Rob Roy 360

**Description of Appeal:**

An appeal to an administrative extension of update deadline. [LDC Section 25-1-88].

- Extension of Update Deadline, LDC Section 25-1-88(A), an applicant may request of the director that the deadline of a site plan application be extended by filing a written request and justification prior to the deadline of that application.

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- Under LDC Section 25-1-88(A)(3), Extension of Update Deadline – an interested party may appeal the responsible director’s decision under this subsection to the Land Use Commission.

**Proposed Development:**

The applicant proposes to construct a 3 story administrative and business office building, which will include 88,000 square feet of office space, with one level of below surface parking, surface parking, and a sedimentation/filtration pond on an undeveloped tract of land.

**Land Use Summary:**

The site is in the full purpose jurisdiction of the City of Austin, and located in the Loop 360 Low Intensity Hill Country Roadway Corridor. The Davenport Ranch PUD allows for “office” land use on this tract of land. The PUD also specifies the site development regulations permitted for the site. Access will be taken from South Capital of Texas Highway. Water service is proposed to be served by WCID #10.

An amendment to the PUD, C814-88-0001.10 Canyons at Rob Roy, is currently in process. The amendment would change the permitted land use for the subject tract from “office” to “multi-family”.

If the PUD amendment is approved before the site plan is approved, the site plan would not be in compliance with their zoning. This site plan would need to be withdrawn and a new application would be required to continue with the multi-family development.

**Staff’s Determination of Extension:**

- A 180 day extension was requested by the engineer on January 6, 2014, prior to the expiration date of January 15, 2014. A 180-day extension was granted, extending the application date to July 14, 2014. Due to the applicant’s justification for the extension, coordinating the off- site waterline alignment and off-site easements, staff determined there was just cause to grant the extension.
- Extensions to the update deadline are standard practice by staff when unresolved issues are pending or when documents require City legal staff’s review and approval.
- The Land Development Code does not give specific criteria for extending the update deadline to a site plan application; only stating “director determines that good cause exists for the extension.
- Issues that remained at the time the extension was granted:
  1. Addressing comments related to Subchapter E, Commercial Design Guidelines.
  2. Approval by WCID#10 for water service.
  3. Approval of transportation, environmental, site plan, water quality, drainage, heritage tree and site plan plumbing reviews. All reviews are required to obtain a site plan permit

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4. Texas Department of Transportation sign-off for access onto Capital of Texas Highway.
5. Posting of Fiscal Surety.
6. The applicant needed additional time to address all outstanding comments before the site plan could be scheduled before the Zoning and Platting Commission in order for the Hill Country Roadway site plan to be approved.

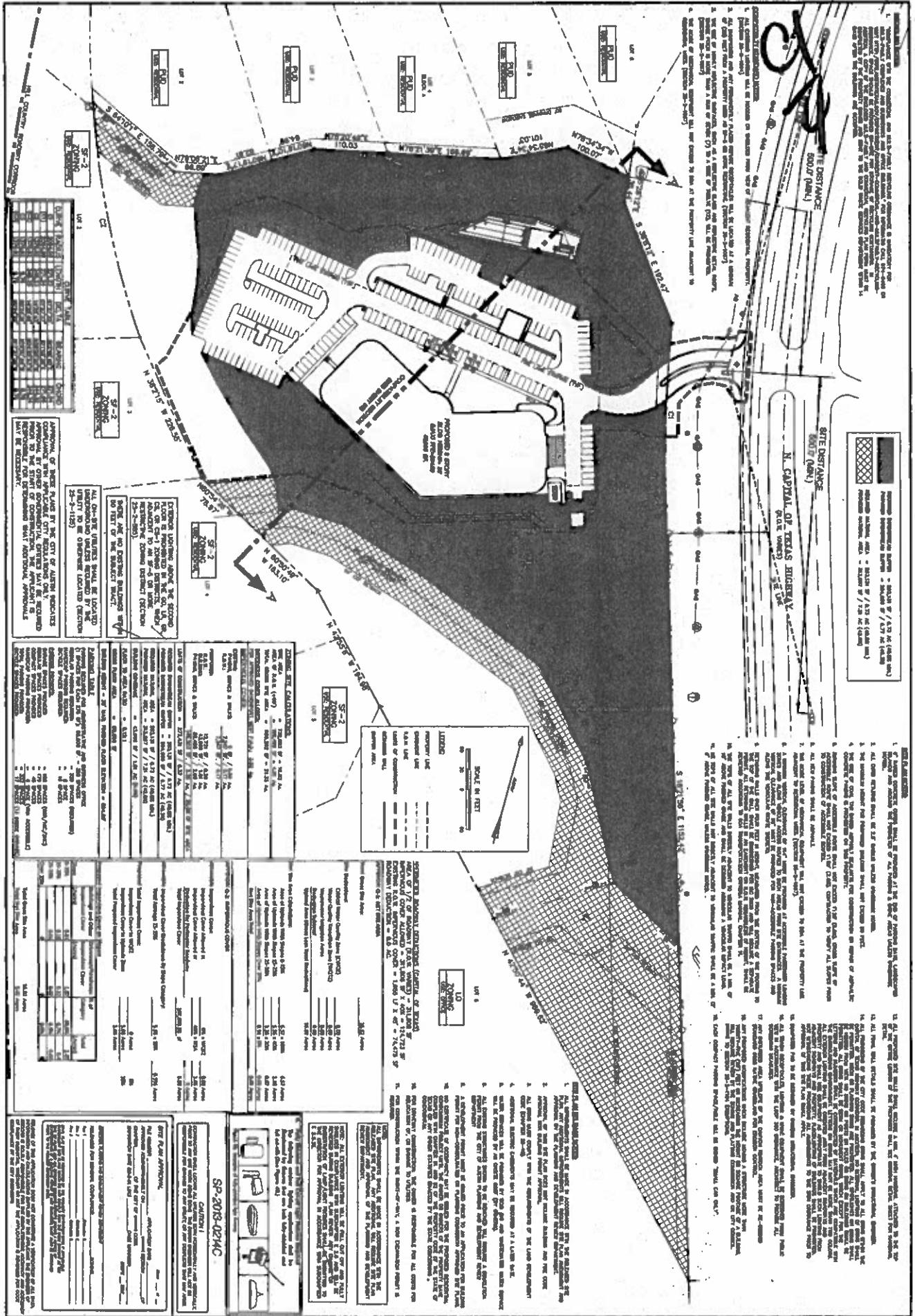
If the current site plan is not granted the requested extension; the application expires, the applicant may re-file the same plan and pay additional fees to continue the review process in obtaining a site development permit.

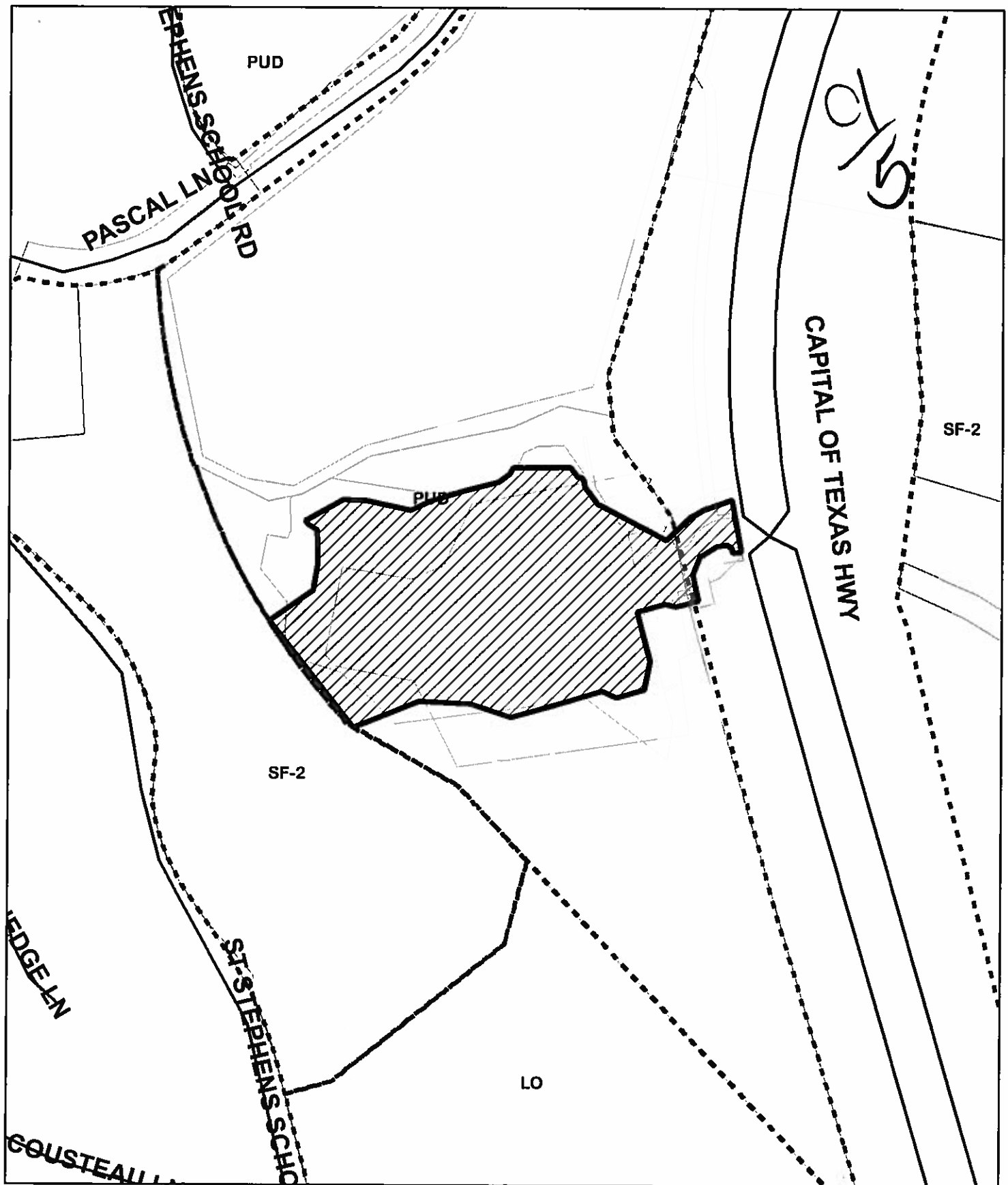
**Appellant Issues (William Frank King):**

Mr. King asserts that the applicant has failed to demonstrate how the project will provide adequate water service to the property for fire protection and domestic water

**Zoning and Platting Commission Action:**

- Under LDC Section 25-1-88(3), Extension of Update Deadline – an interested party may appeal the responsible director's decision under this subsection to the Land Use Commission.
- The commission may grant the appeal or determine the extension is valid.





# SITE PLAN

CASE#: SPC-2013-0214C

ADDRESS: 800 N Capital of Texas Highway

CASE NAME: Canyons of Rob Roy

MANAGER: Nikki Hoelter (974-2863)



SUBJECT TRACT



ZONING BOUNDARY

0 120 240 480 Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

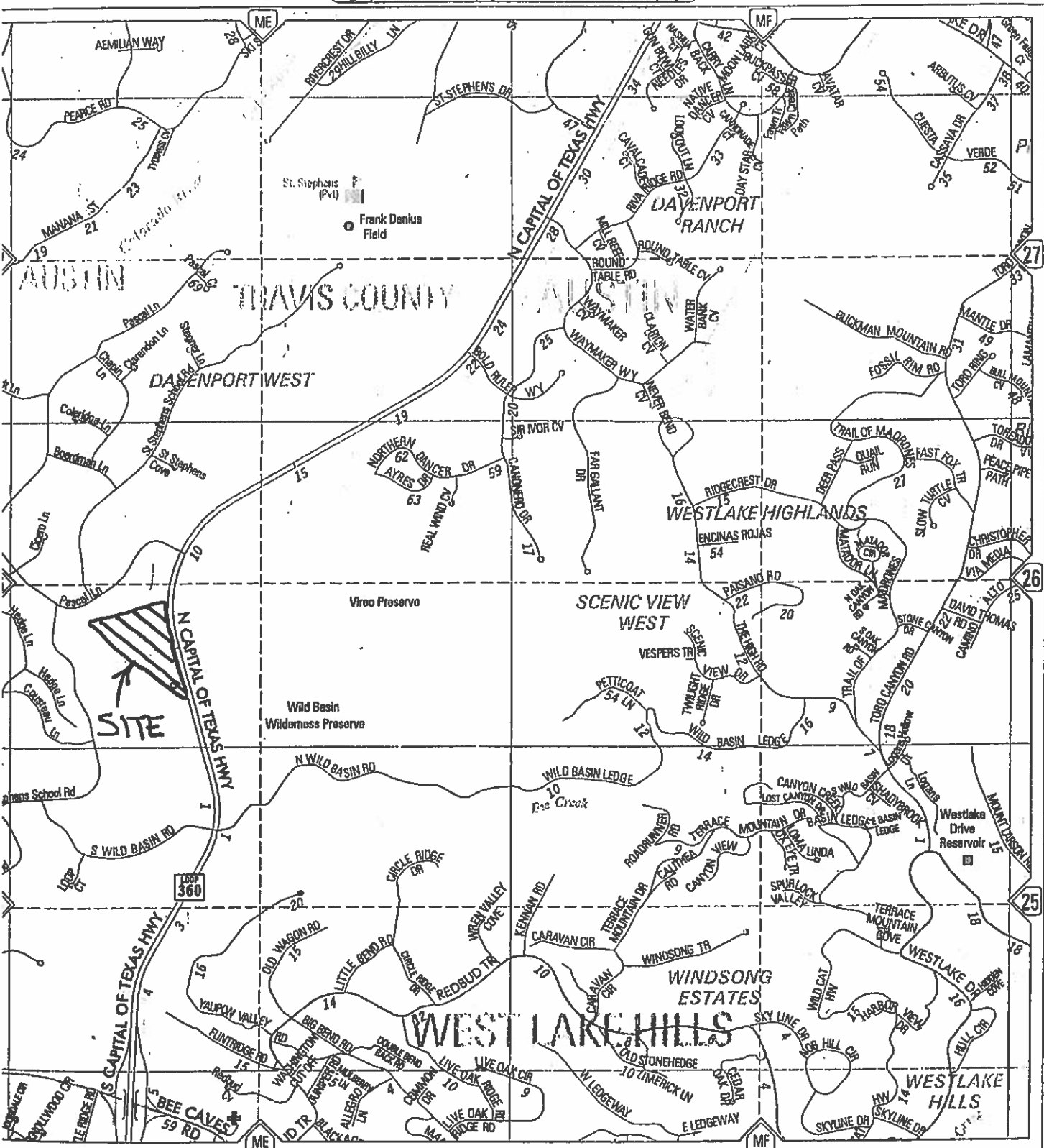


OPERATOR: Nikki Hoelter



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CONTINUED ON MAP 523



CONTINUED ON MAP 552

CONTINUED ON MAP 583

CONTINUED ON MAP 554



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**§ 25-1-88 EXTENSION OF UPDATE DEADLINE.**

(A) An applicant may request that the responsible director extend a deadline for submitting an update to an application by filing a written request and justification with the responsible director before the expiration of the deadline.

(1) The responsible director must give notice under Section 25-1-133(B) (*Notice Of Applications And Administrative Decisions*) of an extension request under this subsection.

(2) The responsible director may grant an extension request under this subsection if the responsible director determines that good cause exists for the extension. An extension period may not exceed the length of the original time period for submitting an update to the application.

(3) An interested party may appeal the responsible director's decision under this subsection to the Land Use Commission.

(B) If the time required for staff review of an application exceeds the review time provided by this title, the responsible director shall extend the deadline for submitting an update to an application for a time period equal to the number of days by which the actual time for review exceeds the review time provided by this title. The responsible director shall notify the applicant of the new deadline for submitting an update.

**§ 25-1-182 INITIATING AN APPEAL.**

An interested party may initiate an appeal by filing a notice of appeal with the responsible director or building official, as applicable, not later than:

- (1) the 14th day after the date of the decision of a board or commission; or
- (2) the 20th day after an administrative decision.

**Hanrahan • Pritchard Engineering, Inc.**

8333 Cross Park Drive  
Austin, Texas 78754

**HPE**

Phone: 512.459-4734

Fax: 512.459.4752

E-Mail: info@hp-eng.com

TX PE Firm Reg. #416

January 6, 2014

Nikki Hoelter  
City of Austin  
Planning and Development Review Department  
505 Barton Springs Road  
Austin, Texas 78704

Re: The Canyons at Rob Roy  
SP-2013-0214C  
Request for Extension

Dear Nikki,

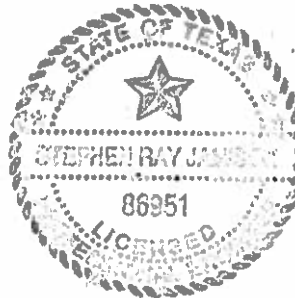
We hereby request a 180 day extension to the original 180-day review period, (deadline 01/15/2014), for the above referenced application. Although we are diligently pursuing the clearance of all remaining comments and expect to clear them as soon as possible, due to coordination/negotiations with WCID #10 and the Rob Roy HOA regarding the proposed offsite water line alignment and proposed offsite easements, it does not appear that we will have the required information submitted, reviewed and/or approved before our deadline expires.

Your consideration of our request is appreciated. Please let me know if you have any questions or need any additional information.

Sincerely,



Stephen R. Jamison, P.E.  
Hanrahan Pritchard Engineering, Inc.



1/6/14

180 Day  
Ext. granted  
1/6/13





C/9

**City of Austin Planning and  
Development Review Department**  
505 Barton Springs Road • P.O. Box 1088 • Austin, Texas 78767-8835

January 6, 2014

Stephen R. Jamison, P.E.  
Hanrahan-Pritchard Engineering, Inc.  
8333 Cross Park Drive  
Austin, Texas 78754

Subject: Canyons of Rob Roy (SPC-2013-0214C)

Dear Mr. Jamison,

Your request for an extension to the time period allowed by Chapter 25-1-88 to submit an update for Canyons of Rob Roy (SPC-2013-0214C) has been reviewed. Due to unresolved issues, it is staff's determination that a **180-day** extension should be granted. You now have until **July 14, 2014 to clear all comments** and comply with the provisions of the Land Development Code. A 180-day extension is granted pursuant to Chapter 25-1-88, which allows the granting of such an extension **one time only**. Please be aware if all comments are not cleared by this date, you will need to submit a **new** application and fees.

If you have any questions, please contact me at 512-974-2863.

Sincerely,

Nikki Hoelter, Case Manager  
Planning and Development Review Department



**City of Austin Planning and Development Review Department**  
505 Barton Springs Road / P.O. Box 1088 / Austin, Texas 78767-8835

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**SITE PLAN APPEAL**

If you are an applicant and/or property owner or interested party, and you wish to appeal a decision on a site plan application, the following form must be completed and filed with the Director of Planning and Development Review Department, City of Austin, at the address shown above. The deadline to file an appeal is 14 days after the decision of the Land Use Commission (ZAP or PC), or 20 days after an administrative decision by the Director. If you need assistance, please contact the assigned City contact at (512) 974-2680.

CASE NO. SPC-2013-0214C

DATE APPEAL FILED 1/24/14

PROJECT NAME Canyons of Rob Roy

YOUR NAME William Frank King

PROJECT ADDRESS 800 N. Capital of TX Hwy.

SIGNATURE [Signature]

YOUR ADDRESS 24 Pascal Ln.

APPLICANT'S NAME Hannahan Pritchard

Austin, TX 78746

CITY CONTACT Nikki Hoelter

YOUR PHONE NO. (512) 567-705 WORK

( ) HOME

**INTERESTED PARTY STATUS:** Indicate how you qualify as an interested party who may file an appeal by the following criteria: (Check one)

- ☐ I am the record property owner of the subject property
- ☐ I am the applicant or agent representing the applicant
- ☐ I communicated my interest by speaking at the Land Use Commission public hearing on (date)

☒ I communicated my interest in writing to the Director or Land Use Commission prior to the decision (attach copy of dated correspondence).

**In addition to the above criteria,** I qualify as an interested party by one of the following criteria: (Check one)

- ☐ I occupy as my primary residence a dwelling located within 500 feet of the subject site.
- ☒ I am the record owner of property within 500 feet of the subject site.
- ☐ I am an officer of a neighborhood or environmental organization whose declared boundaries are within 500 feet of the subject site.

**DECISION TO BE APPEALED\*:** (Check one)

- ☐ Administrative Disapproval/Interpretation of a Site Plan
- ☐ Replacement site plan
- ☐ Land Use Commission Approval/Disapproval of a Site Plan
- ☒ Waiver or Extension
- ☐ Planned Unit Development (PUD) Revision
- ☐ Other: \_\_\_\_\_

Date of Decision: \_\_\_\_\_  
Date of Decision: \_\_\_\_\_  
Date of Decision: \_\_\_\_\_  
Date of Decision: 1/6/14  
Date of Decision: \_\_\_\_\_  
Date of Decision: \_\_\_\_\_

\*Administrative Approval/Disapproval of a Site Plan may only be appealed by the Applicant.

**STATEMENT:** Please provide a statement specifying the reason(s) you believe the decision under appeal does not comply with applicable requirements of the Land Development Code:

No demonstration of how the project will provide adequate water service to the tract to provide domestic service and fire protection.

(Attach additional page if necessary.)

Applicable Code Section: 25-1-88 and 25-1-182

### INTERESTED PARTY INFORMATION

Interested parties are specifically defined in section 25-1-131 of the City Code. To view the Code on-line, go to this link:  
[http://www.aunlegal.com/austin\\_tx/](http://www.aunlegal.com/austin_tx/)

Besides the applicant or owner listed in an application, a person can become an interested party if they communicate an interest to the City through the case manager and if they satisfy at least one of the following criteria: 1) they occupy a primary residence that is within 500 feet of the site of the proposed development; 2) they are the record owner of property within 500 feet of the site of the proposed development; or 3) they are an officer of an environmental or neighborhood organization that has an interest in the site of the proposed development or whose declared boundaries are within 500 feet of the site of the proposed development.

If a person satisfies the criteria to become an interested party, they must communicate an interest by either delivering a written statement to the Land Use Commission conducting the hearing or appearing and speaking for the record at the public hearing. A person may also provide a written statement to the Case Manager or by making telephone contact with the Case Manager. The communication must: 1) generally identify the issues of concern; 2) include the person's name, telephone phone number, and mailing address; and 3) if the communication is by telephone, be confirmed in writing.

Written comments concerning the site plan application may be submitted to the case manager on this form. Comments on a separate form should include the case number and the contact person listed on the notice.

Case Number: SPC-2013-0214C  
Contact: Nikki Hoelter, 512-974-2863 or  
Cindy Castillas, 512-974-3437

☒ I meet the requirements for and request to be an interested party.

Name (please print) W. Lynn Frazier Kerns 512  
Telephone number 562-7125

Address(es) affected by the application (Street, City, ZIP Code) 24 PASCAL LANE AUSTIN, TX 78744

Mailing address (Street, City, ZIP Code) 24 PASCAL LANE AUSTIN, TX 78744

Signature [Signature] Date 2/24/2013

Comments: \_\_\_\_\_

We reached agreements with the  
previous site developer on certain  
restrictions on the building. These  
agreements can with the land and  
were recorded. We just to be  
sure this developer knows them.

Mail comment forms to:  
City of Austin  
Planning and Development Review Department  
Attn: Nikki Hoelter  
P. O. Box 1088  
Austin, TX 78767-1088

**Hoelter, Nikki**

ck/n

**From:** william king <[REDACTED]>  
**Sent:** Monday, January 27, 2014 8:29 PM  
**To:** Hoelter, Nikki  
**Cc:** John M. Joseph; Kelly Wright; Herb Harris; Ed Burbach (sbc) (edburbach@sbcglobal.net)  
**Subject:** Fwd: Site Plan Appeal for the Canyons at Rob Roy (Case No. SPC-2013-0214C)  
**Attachments:** 2902\_001.pdf

I am William Frank King and am an Interested Party in the above mentioned case and have filed an appeal to your giving a 180 day extension for the Site Plan. Kelly Wright sent me your email attaching the letter the Developer used to justify the extension. I am on the Rob Roy HOA Board and know that there are NO ongoing "coordination/negotiations with the Rob Roy HOA". This assertion is false.

William Frank King  
24 Pascal Ln  
512 567 7125

Begin forwarded message:

**From:** Kelly Wright <[REDACTED]>  
**Subject:** FW: Site Plan Appeal  
**Date:** January 27, 2014 at 12:00:10 PM CST  
**To:** "williamfrankking@gmail.com" <williamfrankking@gmail.com>  
**Cc:** Kimberly Buck <kbuck@coatsrose.com>

FYI

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**From:** Hoelter, Nikki [mailto:Nikki.Hoelter@austintexas.gov]  
**Sent:** Monday, January 27, 2014 11:59 AM  
**To:** Kelly Wright  
**Cc:** John M. Joseph; Kimberly Buck; Pamela Madere  
**Subject:** RE: Site Plan Appeal

Hi Kelly, I wanted to be sure you had a copy of the extension letter the engineer submitted.

**Nikki Hoelter, Senior Planner**  
**Land Use Review**  
**Planning and Development Review Department**  
**City of Austin**  
[nikki.hoelter@austintexas.gov](mailto:nikki.hoelter@austintexas.gov)  
**Phone: 974-2863**  
**Supervisor: Lynda Courtney, 974-2810**  
[lynda.courtney@austintexas.gov](mailto:lynda.courtney@austintexas.gov)

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**From:** Kelly Wright <[REDACTED]>  
**Sent:** Monday, January 27, 2014 8:16 AM  
**To:** Hoelter, Nikki

**Cc:** John M. Joseph; Kimberly Buck; Pamela Madere  
**Subject:** Site Plan Appeal

CJ/B

Nikki,

Please see the attached Site Plan Appeal for the Canyons at Rob Roy (Case No. SPC-2013-0214C). I will deliver the original to you today.

Thanks,  
Kelly Wright

## COATS | ROSE

*A Professional Corporation*

**Kelly Wright**  
*Entitlements Manager*

Barton Oaks Plaza  
901 South MoPac Expressway  
Building 1, Suite 500  
Austin, Texas 78746  
Direct: 512.541.3599 | Cell: 512.638.0066 | Fax: 512.469.9408  
[KWright@coatsrose.com](mailto:KWright@coatsrose.com)

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[www.coatsrose.com](http://www.coatsrose.com)

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## PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: [www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development).

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SPC-2013-0214C

Contact: Nikki Hoeller, 512-974-2863

Cindy Casillas, 512-974-3437

Public Hearing: Zoning and Platting Commission, Feb. 18, 2014

Edward Neisler  
Your Name (please print)

14 Pascoe Ln 78746  
Your address(es) affected by this application

Cindy Hoeller  
Signature

2/18/14  
Date

Daytime Telephone: 512-382-1498

Comments:

I had developer but no negotiations  
with them they had no money and is  
not worth the money. So just, they had  
some money and is in this application.

☐ I am in favor  
☒ I object

If you use this form to comment, it may be returned to:

City of Austin

Planning and Development Review - 4<sup>th</sup> floor

Nikki Hoeller

P. O. Box 1088

Austin, TX 78767-1088